

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Ernst Janzen et al.
Serial No. : 08/399,535
US Patent No.: 7,008,439
Filed : March 7, 1995
Issued : March 7, 2006
Title : DEVICE AND METHOD FOR SEALING PUNCTURE WOUNDS

Mail Stop Petition

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO EXPEDITE UNDER 37 C.F.R. §1.182

On even date herewith the undersigned filed a PETITION UNDER 37 C.F.R. §§1.324, 1.42 AND 1.183 FOR CORRECTION OF INVENTORSHIP seeking to add Mr. Sidney Wolvek, now deceased, as an inventor to the above-referenced patent. The instant petition requests that consideration of the former petition (hereinafter “the Rule 324 petition”) be expedited for good cause shown.

The patent is the currently subject of litigation captioned *St. Jude Medical, Inc., et al, v. Access Closure, Inc.*, Case No. 08-4101, pending in the Western District of Arkansas. The identity of the inventors listed on the patent impacts various statutory validity defenses, including but not limited to 35 USC §§102 and 256. The deadline for the completion of fact discovery is September 7, 2010 and before that date the parties are required to produce, to the extent possible, all evidence on which they will rely to advance or refute an allegation that the patent is invalid. Expert reports, including issues relating to inventorship, are due on September 17. Trial is scheduled for December 13, 2010. Accordingly, the interests of both

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justice and judicial economy will be served if the Office renders a decision on the Rule 324 petition as soon as reasonably practicable and, if possible, before the close of discovery.

For the foregoing reasons the undersigned respectfully requests under §1.182 that the consideration of the Rule 324 petition be expedited. The Office is authorized to charge deposit account 09-0946 for the fee set forth in 37 CFR §1.17(f) and to apply any additional charges or credits to that account.

Respectfully submitted,

Dated: August 25, 2010

/Greg H. Gardella/
Greg H. Gardella
Reg. No. 46,045

Irell & Manella
1800 Avenue of the Stars
Suite 900
Los Angeles, CA 90067-4276
310.203.7915